

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:17-CR-00012-KDB-DSC-1

USA

v.

RANDY LEE BIVENS

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ORDER

THIS MATTER is before the Court upon motion of the defendant *pro se* for a reduction of sentence based on the First Step Act of 2018. (Doc. No. 118).

The defendant pled guilty to conspiracy to distribute and to possess with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A) and 846 as well as possession of a firearm by convicted felon, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). (Doc. No. 48: Plea Agreement at 2, 3). The First Step Act does not apply to this defendant as his offenses are not a “covered offense” under Section 404(a) of the First Step Act. Therefore, he is not eligible for a sentence reduction under the First Step Act.

The defendant also incorrectly asserts that his charges are stacked. He was sentenced on both charges with the terms of imprisonment to run concurrent with each other. (Doc. No. 84 at 2).

IT IS, THEREFORE, ORDERED that the defendant’s motion, (Doc. No. 118), is **DENIED**.

SO ORDERED.

Signed: September 15, 2022

